



DA won't charge Kendall in Berkebile death

FRANKLIN COUNTY, Thursday, Jan. 28 -- District Attorney Matthew Fogal announced today that he will not file criminal charges against Bryan Kendall in the July 28, 2008 death of 81-year-old Donald Berkebile.

Fogal said that although evidence is clear that Kendall, who was 40 at the time, caused the death of Berkebile through blunt force trauma, there is insufficient evidence to convince a jury that the force used by Kendall during that fight was not justified.

The two men fought early that summer morning in 2008 at the side of a common driveway across Berkebile's property that connected Kendall's property to the main road. Fogal pointed out in his statement about the case that Berkebile shot Kendall during the argument with a pistol loaded with .410 shot shells, and that Kendall was unarmed during the confrontation.

"Based upon a thorough review of the evidence available from the investigation, I have determined that the available evidence does not support criminal action against Bryan Kendall," Fogal said in announcing his decision.

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